

DECEMBER 9, 1806.

Read the first and second time, and committed to a committee of the whole House, on Thursday next.

A Bill,

Authorizing the erection of a bridge over the river Potomac, within the district of Columbia.



1 Sec. 1. *BE it enacted by the senate and house of representatives*
2 *of the United States of America, in congress assembled, That the*
3 *following persons, viz.*

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or any of them, be, and they are

8 hereby constituted a board of commissioners, with full power and

9 authority to open, or cause to be opened, books for receiving and

10 entering subscriptions for raising a capital stock, not exceeding

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for

12 the purpose of erecting a bridge over the river Potomac, between
 13 the city of Washington and Alexander's island, and making such
 14 other incidental works, and defraying such other incidental ex-
 15 penses, as shall be required by this act, or deemed necessary or ex-
 16 pedient by the company hereinafter named; the time, place, and
 17 manner, of receiving and entering such subscriptions, to be ascer-
 18 tained by the said board of commissioners, and duly advertised in
 19 such gazettes, as they may deem expedient: *Provided*, That the
 20 time fixed upon by the said board of commissioners, for opening
 21 books for receiving the said subscriptions, shall be on or before the
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23 and that no subscription shall be received, unless the sum of
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 25 of the person authorized to receive the same, on each share sub-
 26 scribed for.

1 Sec. 2. *And be it further enacted*, That whenever
 2 of the said shares shall be subscribed for, all persons who
 3 may then be, or thereafter may become, the actual holders or pro-
 4 prietors of shares in the said capital stock, either as subscribers for
 5 the same, or as the legal representatives, successors, or assignees of
 6 such subscribers, shall be, and they are hereby made and created a
 7 body politic and corporate, by the name and style of "The Wash-
 8 ington Bridge Company," and by that name may sue, and be sued,
 9 implead, and be impleaded, and do and suffer all acts, matters, and
 10 things, which a body politic and corporate may lawfully do and suf-
 11 fer; and may have a common seal, and the same may break and

12 alter at pleasure, and may make all bye-laws, rules, regulations and
 13 ordinances, for the good government and well being of the said com-
 14 pany, and for carrying into effect the objects of their institution, so
 15 that such bye-laws, rules, regulations, or ordinances, be not repug-
 16 nant to the laws of the United States, in force within the district of
 17 Columbia.

1 Sec. 3. *And be it further enacted,* That when
 2 of the said shares shall be subscribed for, as aforesaid, or as
 3 soon after as may be, the said board of commissioners, shall call a
 4 meeting of the company, at the city of Washington, by public adver-
 5 tisement, in one or more gazettes in Washington, Alexandria, and
 6 Georgetown, appointing a fit and convenient time and place of meeting,
 7 for the purpose of electing directors, a clerk, and a treasurer,
 8 and such other officers, agents and servants, as the said company
 9 may think fit to appoint, and for transacting any other business, in
 10 pursuance of this act, and appertaining to the nature and objects of
 11 the institution of the said company; and the said board of commis-
 12 sioners, shall, if necessary, adjourn the said meeting, from time to
 13 time, until a quorum shall be formed; and a majority of the said com-
 14 pany, or the proprietors of two thirds of the number of shares actu-
 15 ally subscribed for, their legal representatives, successors, or prox-
 16 ies, shall be a quorum to do business; and the said board of com-
 17 missioners, before opening the said subscription books, shall ascer-
 18 tain and publish, in their said advertisement, a fit and convenient
 19 mode of authenticating all powers of attorney authorizing subscrip-
 20 tions to be made in the name of any person or persons; and before

21 calling a meeting of the said company, shall ascertain and publish,
 22 in their advertisement, a fit and convenient mode of authenticating
 23 all instruments of writing authorizing any person or persons, to act
 24 and vote at such meeting, as the proxy or proxies of any member of
 25 the said company; all which powers of attorney and instruments of
 26 writing shall be filed with the clerk of the said company, and by him
 27 be safely kept among the records and documents appertaining to his
 28 office; and as soon as a quorum of the said company, and a board of
 29 directors shall be formed, as aforesaid, all the powers, authority, and
 30 duties whatsoever, by this act vested in the said board of commis-
 31 sioners, shall cease and determine, and thenceforward become vest-
 32 ed in the directors, for the time being, of the said company, under
 33 such limitations and restrictions, as the said company may think fit
 34 to prescribe; and the said board of commissioners shall account to
 35 the said company, at the first meeting of the same, for all monies
 36 received by them or their agents, on account of such subscriptions,
 37 and shall immediately pay over the same to the treasurer of the said
 38 company, or to such other person or persons, as the said company
 39 may direct and appoint: the said company, nevertheless, to allow
 40 all just credits for monies actually and necessarily expended by the
 41 said board of commissioners, in the execution of their said trust and
 42 duties.

1 Sec. 4. *And be it further enacted,* That there shall be annually
 2 holden, on the first Monday in January, a meeting of the said company,
 3 for the purpose of electing directors, a clerk, and a treasurer;
 4 and the said company shall have power, at any meeting, legally

5 called and constituted, in pursuance of this act, to displace any of
6 their directors or officers, and to supply, by a new election or ap-
7 pointment, all vacancies that may happen among the directors or
8 officers of the company; and the said company shall have power
9 to prescribe and regulate the powers and duties of the said direc-
10 tors, and of all other officers of the company; and a majority of the
11 said directors may, from time to time, elect one of their body as a
12 president, and may provisionally supply, by their own election, any
13 vacancies that may happen among the number of directors, or
14 among any of the officers of the company, and the persons so elect-
15 ed by the said directors, may continue in office till the next legal
16 meeting of the company; and the directors of the said company,
17 to be elected, in pursuance of this act, shall, unless sooner displaced
18 by the said company, continue in office until the first Monday in
19 January next, succeeding their election, and from that time until a
20 new election shall be made by the said company.

1 Sec. 5. *And be it further enacted,* That a meeting of the said com-
2 pany may, at any time, be called by a majority of the directors of
3 the company, for the time being, and by one third of the members
4 of the said company, or by the proprietors of one third of the
5 shares actually subscribed for, or the legal representatives or suc-
6 cessors of such members or proprietors: *Provided however,* That
7 no meeting of the said company shall be legal or valid, unless a
8 quorum shall be formed, consisting of the majority of the mem-
9 bers of the said company, or of the proprietors of at least two

10 thirds of the number of shares actually subscribed for, their legal
 11 representatives, successors or proxies, nor unless the place (being
 12 within the city of Washington,) and the time of such meeting be
 13 previously advertised, for three weeks successively, in one or more
 14 gazettes, in the city of Washington, Alexandria, or Georgetown.

1 Sec. 6. *And be it further enacted*, That the said shares shall be
 2 negotiable and transferable from one to another by assignments in
 3 writing, executed before two witnesses at the least, and authenti-
 4 cated and registered, as the said company may prescribe and
 5 direct in their bye-laws and regulations.

1 Sec. 7. *And be it further enacted*, That in suits at law against
 2 the said company, the first process shall be a summons, to be serv-
 3 ed on the president, or any one or more of the directors of the said
 4 company; upon the service and return of which summons, if no
 5 appearance shall be entered for the said company, at the return
 6 term, the court may order the general issue to be entered on the
 7 record, and may proceed to trial and judgment, in like manner as
 8 if an appearance had been entered, and the issue made up by the
 9 said company; and if judgment shall be recovered against the said
 10 company, the court may order the usual process of execution.
 11 or a special writ to attach the money, goods, chattels, debts, choses
 12 in action, and tolls in the hands of any officer of the said com-
 13 pany, or of any other person; and such attachment shall operate
 14 on the tolls thereafter to be received, which may be collected by a
 15 person, specially appointed by the court, for the use of the plaintiff
 16 recovering such judgment, until such judgment shall be satisfied;

17 and the court may make such further or other order for enforcing
 18 the payment of such judgment as may be consistent with the prac-
 19 tice and powers of such court, as a court of law or equity.

1 Sec. 8. *And be it further enacted,* That the amount of each
 2 share shall be paid by instalments of _____ at such times
 3 as the said company shall direct; and in case any instalment or instal-
 4 ments shall not be paid at the time appointed by the said company,
 5 or within _____ thereafter, the same may be recover-
 6 ed, in the name of the said company, by warrant from a justice
 7 of the peace, if the amount due shall not exceed
 8 _____; and if the sum so due shall exceed
 9 _____, the same may be recovered by motion, in the name of
 10 the said company, on _____ notice, in any court of
 11 record in the county or district, where the debtor shall be found;
 12 and in all such warrants and motions, the certificate of the clerk of
 13 the said company, authenticated by the president, under the com-
 14 mon seal of the said company, shall be conclusive evidence of the
 15 defendant's being a member of the company, and prima facie evi-
 16 dence of the amount due on the shares held by such defendant. And
 17 if such instalment or instalments be not paid within
 18 days, after the time limited for the payment of the same, and ad-
 19 vertised for _____ weeks successively, in one or more
 20 gazettes, published in Washington, Alexandria, or Georgetown, the
 21 president and directors of the said company may proceed to for-
 22 feit, for the use of the company, the share or shares of the person
 23 or persons so failing to pay.

Sec. 9. *And be it further enacted*, That the said company be, and they are hereby authorized and empowered to erect and build, or to cause to be erected and built, over the river Potomac, between the termination of Maryland avenue and Alexander's island, a good and sufficient bridge, at least wide,
of sound and suitable materials, and in all respects adequate for the passage of travellers, horses, cattle and carriages, with a secure railing on each side at least feet high; of which width on one side shall be appropriated to the purpose of a way for foot passengers, and shall be separated from the carriage way by a good and sufficient railing at least feet high.

1 Sec. 10. *And be it further enacted,* That the said company shall
2 cause to be built and kept and maintained in good repair, a conve-
3 nient and sufficient draw or passage way, at least
4 feet wide, in the said bridge, over the main channel of the river,
5 for the passing and repassing of vessels, by day and by night ; and
6 shall also cause to be built, and to be kept and maintained in good
7 repair, a well constructed and substantial pier or wharf, on each
8 side of the said bridge, and adjoining or near to the said draw, in
9 every respect sufficient for ships and other vessels to lie at secure-
10 ly ; and all ships, waiting for a passage through the said draw, may
11 lie at such piers or wharves, free of charge, until a suitable oppor-
12 tunity offers of passing through the said draw ; and the said compa-
13 ny shall, at their own cost, and without toll, cause the said draw
14 or passage way, to be hoisted or removed, without delay, for the

15 passage of all ships and vessels with masts, that are unable to pass
 16 under the same; and if through the unskilfulness or negligence of
 17 the person or persons employed by the said company, to hoist or
 18 remove the said draw, any ship or vessel shall be unjustly or un-
 19 reasonably hindered or delayed, or shall be damaged in her hull,
 20 spars or rigging, in passing the said draw, the said company shall be
 21 liable to the master, or the owner or owners of such ship or vessel,
 22 for damages at the rate of cents per ton of such ship or vessel,
 23 for each and every hour such ship or vessel, shall be hindered or de-
 24 layed, to be recovered in a special action on the case, in any court
 25 of competent jurisdiction; and the said company shall constantly
 26 keep the said bridge furnished with good lamps, to be well sup-
 27 plied with oil, and lighted in due season, of which lamps shall
 28 be kept at the said draw, and be kept burning through the night,
 29 and the others shall be kept burning till the hour of twelve at night,
 30 under the penalty of dollars, to be recovered by war-
 31 rant before any justice of the peace, having jurisdiction, by such
 32 person or persons as shall sue for the same. And it shall be lawful
 33 for the said company, to cause each leaf of the said draw to be made
 34 of the width of , instead of feet,
 35 the width of the said bridge.

1 Sec. 11. *And be it further enacted,* That the said company shall,
 2 in like manner, cause a draw or passage way, at least feet
 3 wide, to be made in the said bridge, across the other channel of the
 4 said river, near the eastern shore, commonly called the Maryland
 5 channel, subject to all the restrictions, penalties and provisions con-

6 tained in the last preceding section, for keeping and maintaining the
 7 draw or passage way over the main channel of the said river, except
 8 so far as respects the building of piers on each side thereof: *Provided*,
 9 The same shall appear necessary on a view and survey thereof, by
 10 three commissioners, to be appointed for that purpose by the Pre-
 11 sident of the United States.

1 Sec. 12. *And be it further enacted*, That as soon as the said bridge
 2 and piers shall be erected and built, and furnished and completed,
 3 as required by this act, the said company shall be entitled to demand
 4 and receive, by their proper agents, servants, or officers, tolls at the
 5 following rates, viz. For each foot passenger cents and a
 6 quarter; for each person and horse,
 7 ; for each chaise, sulkey or riding chair,
 8 cents; for each coach, coachee, stage-waggon, chariot,
 9 phaeton or curricule, or other riding carriage,
 10 cents, and the further sum of cents, for
 11 each horse, more than two, by which such coach, coachee, chariot,
 12 phaeton or curricule, shall be drawn; for each sled or sleigh,
 13 cents, and the further sum of
 14 cents, for each horse or other beast,
 15 more than two, by which such sled or sleigh shall be drawn; for
 16 each four-wheeled waggon, cart, or other four-wheeled carriage of
 17 burthen, cents, and the further
 18 sum of cents, for each horse or other
 19 beast, more than two, by which the same shall be drawn; for each
 20 two-wheeled cart, dray, or other two-wheeled carriage of burthen,

cents; and the further sum of

cents for each horse or other beast, more

than one, by which the same shall be drawn; for each sheep or swine,

cents; for horses and neat cattle, other than those in

teams, drawing sleds, sleighs, or carriages, or those with riders,

cents each; and one person only to each

team or drove, shall be allowed to pass free of toll: *Provided*, That

no toll shall be exacted at said bridge, for the passage of any waggon

or carriage, laden with the property of the United States, or for the

drivers thereof; or for the passage of any troops of the United

States, marching in a body, or any cannon or military equipments

belonging to the United States; and it shall be the duty of the said

company, to keep posted up in some conspicuous place on the said

bridge, where the toll is collected, a printed list of the rates of toll

allowed by this act; and for every day the same shall be neglected

they shall forfeit and pay to be recovered by war-

rant, by any person who shall sue for the same: *Provided also*,

That if the number of shares, shall not be sub-

scribed within one year from the time of opening subscription books,

by the commissioners, as herein before directed, or if the said

bridge and piers be not erected and built, and furnished and com-

pleted, as required by this act, within years, from and after

the first day of October next, or if it should remain at any time

thereafter, so out of repair, for years, as to be unsafe for tra-

velling; then and in that case, all the powers, authority, privileges,

emoluments, and immunities whatsoever, by this act granted to the

said company, shall cease and determine, and become absolutely

48 forfeited: *And provided further*, That if the net annual revenue
 49 arising from the said tolls shall, at any time, exceed the average
 50 rate of per centum, per annum, upon the capital stock
 51 actually subscribed for, after deducting the annual expense of keep-
 52 ing and maintaining the said bridge properly repaired, and furnished
 53 with all necessary attendance and implements, of compensating the
 54 officers, agents, and servants of the said company, and other inci-
 55 dental annual expenses, in carrying on the business of the said com-
 56 pany, then, and in that case, the rates of toll may be thereafter alter-
 57 ed and regulated as congress may judge proper; and the president
 58 and directors of the said company, shall lay before congress the an-
 59 nual accounts of their receipts and expenditures; as also, of the
 60 capital employed in the erection of the said bridge.

1 *Sec. 13. And be it further enacted*, That it shall be the duty of
 2 the said corporation, as long as they shall be entitled to receive toll
 3 at the said bridge, to keep the same in good repair; and if in neglect
 4 of their said duty, the said corporation shall, at any time, suffer the
 5 said bridge to be out of repair, so as to be unsafe or inconvenient for
 6 passengers, the said corporation shall be liable to be presented for
 7 such neglect, before any court of competent jurisdiction, and upon
 8 conviction thereof, to pay to the United States, a penalty not exceed-
 9 ing five hundred dollars, at the discretion of the court, and shall
 10 also be responsible for all damages which may be sustained by any
 11 person or persons, in consequence of such want of repair, to be
 12 recovered in an action of trespass on the case, in any court compe-
 13 tent to try the same.